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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,051	03/19/2004	Chih Hao Yiu	147888B(4315JE)	7995

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EXAMINER

CHUKWURAH, NATHANIEL C

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,051

Applicant(s)

YIU ET AL.

Examiner

Nathaniel C. Chukwurah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Zoiss et al. (US 5,666,715).

With regard to claim 1, Zoiss et al. discloses a method for driving an electric percussion tool including a solenoid (21), a plunger core (31) slidably received in the solenoid, a spring member (41) for returning the plunger (31), and a switch (18); the method further comprising: the steps of operating the tool as described in column 3, lines 13-20, lines 24-32, lines 65-67; column 4, lines 1-3; column 6, lines 50-56; column 9, lines 16-27; and Figure 13.

While Zoiss et al. does not expressly state that the spring is made with a smaller biasing force; it is inherent that the spring of Zoiss et al. includes a smaller biasing force, which returns the solenoid plunger to the plunger's preset position because such language is relative and the structure is deemed met. Further, while Zoiss et al. does not expressly state allowing the spring member a longer time to return the plunger core; it is clear that expressions such as "striking" and "pulse" imply rapid movement and "gradual return" implies slow movement. Accordingly, the claim language is inherently met.

With regard to claim 2, Zoiss et al. shows a method for driving an electric percussion tool including a solenoid (21), a plunger core (31) slidably received in the solenoid, a spring member (41) for returning the plunger (31), and a switch (18); the method further comprising: the steps of operating the tool as described in column 3, lines 13-20, lines 24-32, lines 65-67; column 4, lines 1-3; column 6, lines 50-56; column 9, lines 16-27; and Figure 13; and a step of initializing the

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solenoid with a switch (18), a step of providing a first, second and third signals and terminating the solenoid as described in column 3, lines 13-20, line 66; and column 6, lines 50-56.

While Zoiss et al. does not expressly state that the spring is made with a smaller biasing force; it is inherent that the spring of Zoiss et al. includes a smaller biasing force, which returns the solenoid plunger to the plunger's preset position because such language is relative and the structure is deemed met. Further, while Zoiss et al. does not expressly state allowing the spring member a longer time to return the plunger core; it is clear that expressions such as "striking" and "pulse" imply rapid movement and "gradual return" implies slow movement. Accordingly, the claim language is inherently met.

With regard to claim 3, Zoiss et al. shows a method for driving an electric percussion tool including a solenoid (21), a plunger core (31) slidably received in the solenoid, a spring member (41) for returning the plunger (31), and a switch (18), a step of initializing the solenoid with switch (18), and a first positive, at least one second positive and a third positive sine wave signals to operate the solenoid (fig. 13).

While Zoiss et al. does not expressly state that the spring is made with a smaller biasing force; it is inherent that the spring of Zoiss et al. includes a smaller biasing force, which returns the solenoid plunger to the plunger's preset position because such language is relative and the structure is deemed met. Further, while Zoiss et al. does not expressly state allowing the spring member a longer time to return the plunger core; it is clear that expressions such as "striking" and "pulse" imply rapid movement and "gradual return" implies slow movement. Accordingly, the claim language is inherently met.

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Conclusion

Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

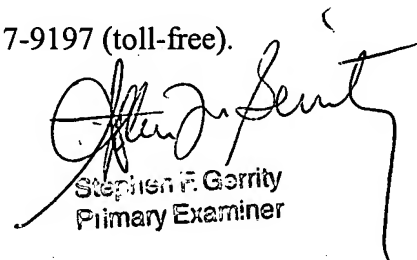
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathaniel C. Chukwurah whose telephone number is (571) 272-4457. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NC

February 14, 2005



Stephen F. Gorrity
Primary Examiner